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RSPA-1993-13564-155



U.S. Department  
of Transportation

Research and  
Special Programs  
Administration

400 Seventh Street, S.W.  
Washington, D.C. 20590

AUG 11 1993

Mr. M. Wayne McTeer  
Senior Vice President  
Distribution  
Scrivner  
P.O. Box 26030  
Oklahoma City, OK 73126

Dear Mr. McTeer:

Thank you for your letter to Secretary Peña, regarding an interim final rule issued by the Department of Transportation's Research and Special Programs Administration (RSPA). Your letter has been referred to RSPA for response.

You expressed concerns about RSPA's decision to adopt oil spill prevention and response planning requirements mandated by the Federal Water Pollution Control Act, as amended by the Oil Pollution Act of 1990, within the regulatory framework of the Hazardous Materials Regulations.

Following an expedited review of the public comments on this rule, Secretary Peña determined that classifying animal and vegetable oils as hazardous materials was not supported. Subsequently, RSPA removed the hazardous materials designation and established modified requirements for oil transportation. I have enclosed a copy of the interim final rule that made these regulatory changes.

We appreciate your interest in this rulemaking. Your letter has been made part of the public docket.

sincerely,

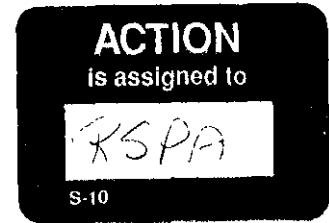
A handwritten signature in dark ink, appearing to read "Alan I. Roberts".

Alan I. Roberts  
Associate Administrator for  
Hazardous Materials Safety

Enclosure



**M. Wayne McTeer**  
Senior Vice President  
Distribution



*OHM  
APPROP. HANDLING  
SEE RSPA'S  
CONTROL*

July 26, 1993

The Honorable Federico Pena  
Secretary of Transportation  
U.S. Department of Transportation  
400 Seventh Street, S.W.  
Washington, D.C. 20590

Dear Mr. Secretary:

Scrivner is strongly opposed to the proposed interim final rule including edible vegetable oils and animal oils in the same class as hazardous waste. **THESE OILS ARE NOT HAZARDOUS.**

The Food and Drug Administration gives these products GRAS (Generally Regarded As Safe) status. Another Federal agency, the General Services Administration, describes hazardous materials as having one or more of the following characteristics:

1. Has a flash point below **200 F (93.3C)**, closed cap, or is subject to spontaneous heating.
2. Is subject to polymerizations with the release of large amounts of energy when handled, stored, or shipped without adequate controls.
3. In the course of normal operations, may produce fibers, dusts, gases, fumes, vapors, mists or smokes which have, in brief, one or more of the following characteristics:
  - a. causes 50% fatalities to test animals.
  - b. ~~is~~ a flammable solid or a strong oxidizing or reducing agent.
  - c. causes first degree burns on skin in a short time exposure.
  - d. causes occupational chemical dermatitis.
4. Is radioactive to the extent it requires special handling.
5. Is a recognized carcinogen according to OSHA.
6. Possesses special characteristics which in the opinion of the holding agency could be hazardous to health, safety or the environment if improperly handled, stored, transported, disposed of, or otherwise improperly used.

Animal fats and vegetable oils exhibit **none** of these characteristics, which are generally associated with hazardous materials. Animal fats and vegetable oils are not considered hazardous by any other federal regulatory agencies.

These products do not cause significant environmental harm when spilled. They are not corrosive, flammable, combustible, toxic, explosive, or radioactive. On the contrary, vegetable/animal oils are **biodegradable** and should not be regulated as hazardous

As a wholesale food distributor with **21** distribution centers conducting business throughout the United States, Scrivner is strongly concerned with the regulations that would apply to our company as well as other companies who manufacture or distribute similar products.

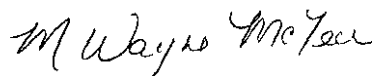
Our company is environmentally conscious and would voluntarily treat these oils with extreme caution IF they were hazardous, but they are not.

This regulation would prohibit hauling cooking oil, cream and lard with other foods. This type of action could severely stifle the grocery business. Many of our trailer shipments include both. Your corner grocery store shelf contains both. This rule, therefore, would mean that Scrivner would have to send **TWO** tractor/trailers on each route as opposed to one, thereby doubling costs--consequently costing the consumer much more!

Classifying these materials **as** hazardous will also impose significant compliance costs to farmers, consumers, and the transportation, food processing, and related agribusiness community with little or no benefit to the environment or to human health and safety. Focusing on truly hazardous materials would be using our energy more wisely than wasting our time and money trying to regulate edible oils as hazardous.

We urge the Department of Transportation to develop thoughtful and fair rules to govern potential spills of edible oil products that are separate from those regulating hazardous materials. We also urge the Department to develop appropriate food product rules that are separate from those governing hazardous materials.

Sincerely,



M. Wayne McTeer